IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 27036 of 2007(R)

PETITIONER:

ABBAS K.M.,
AGED 26, S/O. MOHAMMED , KATTARMOOLA HOUSE,
BACKAL KUNNIL, PALLICKARA VILLAGE,
HOSDURG TALUK.

BY ADV. SRI.E.D.GEORGE

RESPONDENTS:

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1. SUPERINTENDENT OF POLICE,
KASARAGODU.

2. KUNJIKRISHNAN,A.S.I,
BACKAL POLICE STATION.

3. ASHOKAN, P.C.1006,
BACKAL POLICE STATION.

4. P.C.1332,
BACKAL POLICE STATION.

5. P.C.1283,
BACKAL POLICE STATION.

BY G.P. SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(c)No. 27036 OF 2007-R

Dated this the 5th day of October, 2007

JUDGMENT

The short grievance of the petitioner is that Ext.P3 complaint filed by him before the Superintendent of Police, Kasaragod, wherein he had raised allegations of assault on him by certain police officials has not evoked any response or positive action.

2. Notice was given. The learned Public Prosecutor was directed to take instructions. The learned Public Prosecutor, after taking instructions, submits that Ext.P3 complaint has not been received by the 1st respondent – the Superintendent of Police, Kasaragod. The complaint relates to improper and culpable behaviour of the police officials. The learned counsel for the petitioner was requested to explain whether there is anything to indicate that Ext.P3 complaint has actually been

lodged before the 1st respondent. The learned counsel for the petitioner submits that there is no acknowledgment or any material to show that the original of Ext.P3 complaint was actually lodged before the police.

3. In these circumstances, I am satisfied that the only relief which the petitioner can be granted is to permit him to file a fresh complaint. In such complaint, he can certainly mention that an earlier complaint had been filed as Ext.P3. Appropriate and necessary action shall be taken by the official concerned on such complaint, if and when received.

4. With the above observations, this writ petition is dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge